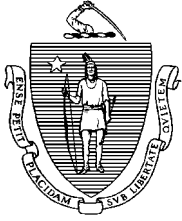


SENATE, NO. 2514

The Commonwealth of Massachusetts



IN THE YEAR OF TWO THOUSAND AND SEVEN

AN ACT RELATIVE TO ELECTION DAY REGISTRATION

Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to provide for election day registration for the citizens of the commonwealth and to make related changes in certain laws, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

- 1 SECTION 1. Section 1 of chapter 51 of the General Laws, as appearing in the 2006 Official
- 2 Edition, is hereby amended by striking out the last sentence and inserting in place thereof the
- 3 following sentence:- Any person otherwise qualified to vote for national or state officers shall,
- 4 by reason of a change of residence, be disqualified to vote for such officers in the city or town
- 5 from which he has removed his residence; provided further, that a person having changed his
- 6 residence shall be eligible to register pursuant to section 34A.

7 SECTION 2. Said section 1 of said chapter 51, as so appearing, is hereby further amended by
8 striking out the last sentence, as amended by section 1 of this act, and inserting in place thereof
9 the following sentence:- No person otherwise qualified to vote for national or state officers
10 shall, by reason of a change of residence within the commonwealth, be disqualified from voting
11 for such officers in the city or town from which he has removed his residence until the
12 expiration of 6 months from such removal.

13 SECTION 3. Section 3 of said chapter 51, as so appearing, is hereby amended, by inserting,
14 after the word, “registration” in lines 7 and 16, the following words:- , or in accordance with the
15 provisions of section 34A.

16 SECTION 4. Section 26 of said chapter 51, as so appearing, is hereby amended by striking out,
17 in lines 9 and 10, the word “eight” and inserting in place thereof, in each instance, the following
18 figure:- 5.

19 SECTION 5. Said section 26 of said chapter 51, as so appearing, is hereby further amended by
20 striking out, in lines 9 and 10, amended by section 4 of this act, the figure “5”, and inserting in
21 place thereof, in each instance, the following figure:- 8.

22 SECTION 6. Said section 26 of said chapter 51, as appearing in the 2006 Official Edition, is
23 hereby amended by striking out, in line 10, the words “twentieth day” and inserting in place
24 thereof the following words:- fourteenth day.

25 SECTION 7. Said chapter 51 is hereby further amended by striking out section 28, as so
26 appearing, and inserting in place thereof the following section:-

27 Section 28. They shall hold a continuous session from 9 o’clock ante meridian until 5 o’clock
28 post meridian on the last day for registration prescribed under section 26; provided, however,

29 that in towns having less than 1,500 voters, such session shall be sufficient if it includes the time
30 from 9 o'clock until 11 o'clock ante meridian and from 2 o'clock until 5 o'clock post meridian.

31 SECTION 8. Said chapter 51 is hereby further amended by striking out section 28, as amended
32 by section 7 of this act, and inserting in place thereof the following section:-

33 Section 28. They shall hold a continuous session from nine o'clock ante meridian until eight
34 o'clock in the evening on the last day for registration prescribed under section 26; provided,
35 however, that in towns having less than 1,500 voters, such session shall be sufficient if it
36 includes the time from 2 to 4 o'clock in the afternoon and from 7 to 8 o'clock in the evening.

37 SECTION 9. Said chapter 51 is hereby further amended by striking out section 34, as appearing
38 in the 2006 Official Edition, and inserting in place thereof the following section:-

39 Section 34. Except as otherwise provided in section 34A, after 5 o'clock post meridian of a day
40 on which registration is to cease, the registrars shall not register any person to vote in the next
41 state election, except that they shall furnish, or cause to be furnished, to each person waiting in
42 line at said hour of 5 o'clock for the purpose of being registered, a card or slip of identification
43 bearing such person's name and shall, before registration ceases, permit such person to register.
44 The registrars may, however, enter or correct on the registers the names of persons who have
45 registered as voters between December thirty first preceding and the close of registration.

46 SECTION 10. Said chapter 51 is hereby further amended by striking out section 34, as
47 amended by section 9 of this act, and inserting in place thereof the following section:-

48 Section 34. After 8 o'clock in the evening of a day on which registration is to cease, the
49 registrars shall not register any person to vote in the next primary or election, except that they
50 shall furnish, or cause to be furnished, to each person waiting in line at said hour of 8 o'clock for
51 the purpose of being registered, a card or slip of identification bearing such person's name and

52 shall, before registration ceases, permit such person to register. The registrars may, however,
53 enter or correct on the registers the names of persons who have registered as voters between
54 December thirty-first preceding and the close of registration.

55 SECTION 11. Said chapter 51 is hereby further amended by inserting after section 34 the
56 following section:-

57 Section 34A. (a) An individual who is eligible to vote may register on the day of a state
58 election by appearing in person at the polling place for the precinct in which the individual
59 maintains residence, by completing a registration application in a form prescribed by the state
60 secretary which complies with identity requirements of 42 U.S.C. section 15483, by presenting
61 to the appropriate election official proof of residency and by making a written oath which shall
62 be as follows: I certify that I: am a citizen of the United States; am at least 18 years old; am not
63 under guardianship or otherwise prohibited from voting; am not temporarily or permanently
64 disqualified by law because of corrupt practices in respect to elections; have read and
65 understand this statement: I further understand that giving false information is a felony
66 punishable by not more than five years imprisonment or a fine of not more than \$10,000, or
67 both.

68 (b) For purposes of this section, the term "proof of residence" shall mean 1 of the following, so
69 long as it includes the name of the applicant and the address from which he or she is registering:

70 (i) a valid photo identification including, but not limited to, a Massachusetts drivers license
71 or other state-issued identification card; or

72 (ii) other documentation demonstrating the name and address where the applicant maintains
73 residence and seeks to register including, but not limited to, a copy of a current utility bill, bank

74 statement, government check, paycheck, other government document or a current student fee
75 statement.

76 (c) Upon meeting the identity requirements of subsection (a), production of proof of residence,
77 and the making of an oath sufficient to support registration, the ballot clerk or his or her
78 designee shall permit the applicant to vote on the day of a state election and the registrar or his
79 or her designee shall place the applicant's name and address on the annual register of voters as
80 soon as reasonably practicable following the date of the state election as prescribed by the state
81 secretary. Any person who registers to vote on the day of a state election in accordance with
82 this section shall, absent disqualification, be registered to vote at all subsequent primaries and
83 elections.

84 (d) The state secretary shall make available, to the election officers, to the extent possible, at
85 each polling place, access to the central registry of voters set forth in section 47C. For the
86 purposes of this section, a printed copy of all voters registered to vote in that precinct as of the
87 last day of the registration period, as required by sections 55 and 60, shall be sufficient.

88 e) This section shall not apply to an individual seeking to register to vote in any town for the
89 purposes of voting at annual town meeting or special town meeting or at an annual or special
90 town election or to any individual seeking to register to vote in any city or town for the purposes
91 of voting at an regular or special preliminary or regular or special municipal election after the
92 applicable registration period prescribed in section 26 has closed. This section shall not apply
93 to an individual seeking to register to vote in any city or town for the purposes of voting at any
94 special state primary or special state election or at any biennial state primary.

95 (f) The state secretary shall promulgate regulations to implement the relevant provisions of this
96 chapter.

97 (g) Upon credible information or allegation of illegal voter registration, or credible information
98 or allegation of illegal multiple voting, there shall be an investigation upon the merits of said
99 information or allegation by the attorney general, or by the district attorney having jurisdiction
100 over the municipality in which the alleged illegal registration or illegal multiple voting
101 occurred. Nothing in this subsection shall be construed as excluding enforcement of this section
102 by any means otherwise provided by law.

103 (h) Violations of this section shall be punishable pursuant to sections 8, 26 and 27, of chapter
104 56.

105 SECTION 12. Section 38 of chapter 53 of the General Laws, as appearing in the 2006 Official
106 Edition, is hereby amended by striking out, in line 5, the words “eight o’clock in the evening of
107 the twentieth day” and inserting in place thereof, the following words:- 8 o’clock post meridian
108 of the fourteenth day;

109 SECTION 13. Said section 38 of said chapter 53, as appearing in the 2006 Official Edition, is
110 hereby further amended by striking out, in line 18, the word “twenty” and inserting in place
111 thereof, the figure:- 14

112 SECTION 14. There shall be an advisory committee on the implementation of election day
113 registration. Among other issues it may consider, the advisory committee shall study the
114 resources necessary, costs associated with, and feasibility of providing every polling location
115 with real-time electronic access to the central registry of voters. The advisory committee shall
116 be comprised of the secretary of state, or his designee, who shall serve as the chair of the
117 advisory committee, the attorney general, or her designee, the house and senate chairs of the
118 joint committee on election laws, or their designees, 2 representatives of the Massachusetts
119 Town Clerks Association, at least one of whom shall be a town clerk from a town of under

120 5,000 inhabitants, and 2 representatives of the Massachusetts City Clerks Association. The
121 advisory committee shall complete its study of electronic access and submit its report in writing
122 to the joint committee on election laws and the house and senate committees on ways and
123 means on or before March 1, 2011.

124 SECTION 15. Sections 1, 3, 4, 7, 9, and 11 are hereby repealed.

125 SECTION 16. Section 15 shall take effect on July 1, 2011.

126 SECTION 17. Sections 2, 5, 8, and 10 shall take effect on July 1, 2011.